

REMARKS

This Amendment is filed in response to the Office Action mailed on October 28, 2005. All objections and rejections are respectfully traversed.

Claims 1, 3-5 and 7-26 are pending in the Application.

Claim 26 is added to better claim the invention.

At paragraphs 2-3 of the Office Action, claims 1, 3, 5, 7-10, 12-15, 17-20, 22, and 23 were rejected under 35 U.S.C. §103 as being unpatentable over Hjalmysson et al., US Patent No. 6,128,305, Issued on October 3, 2000, hereinafter Hjalmysson, in view of VanDervort, US Patent No. 5,812,528, Issued on September 22, 1998, hereinafter VanDervort.

Applicant's claimed invention, as set out in representative claim 9, comprises in part:

9. A method for operating a computer, comprising:
 - sending a call setup message over a computer network to a destination computer, ***the call setup message to initiate a roundtrip connection through the computer network;***
 - receiving an acknowledgement message from the destination computer indicating that the call setup message was received, the acknowledgement message indicating that the roundtrip connection through the computer network is established between the computer and the destination computer;

sending, at any time, a verification data stream to the destination computer in response to receiving the acknowledgement message, the verification data stream sent over the connection;
receiving a response data stream from the destination computer, the response data stream sent over the connection; and
checking a characteristics of the connection in response to the verification data stream and the received response data stream.

By way of background, VanDervort discloses a test instrument for injecting test cells into an asynchronous transfer mode (ATM) computer network, to determine the round trip travel time of cells. (Col. 5, lines 54-56).

Hjalmtysson discloses, at Fig. 9, the transmission of a quality of service request, QoS REQUEST, by source node 901 to destination node 910, and in response to receiving the QoS REQUEST, destination node 910 sending a quality of service commit, QoS COMMIT, message to source node 901. (Col. 16 line 65 - Col. 17 line 23). Hjalmtysson simply exchanges Q of S request, commit, and Ack messages. The source station then “trusts” that the network is working according to the Ack and COMMIT messages.

Applicant respectfully urges that Hjalmtysson and VanDervort taken alone or in combination does not teach, disclose, or suggest Applicant’s claimed novel invention of *the call setup message to initiate a round trip connection through a computer network, sending, at any time, a verification data stream to the destination computer in response to receiving the acknowledgement message, and checking a characteristics of the connection in response to the verification data stream and the received response data stream.* In further detail, Applicant’s invention routinely checks the connection upon ini-

tiating a round trip connection. In sharp contrast, Vandervort requires a test instrument and special test cells to determine the round trip time of the connection. There is no suggestion of determining *characteristics of the connection* upon the initiation of a connection. Additionally, Hjalmtysson does not send *characteristics of the connection*, instead Hjalmtysson “trusts” the connection based on an acknowledgement message. Applicant’s invention uses *characteristics of the connection* to measure that all the verification data is received.

Furthermore, both Hjalmtysson and VanDervort teach away from Applicant’s claimed invention. VanDervort requires using a test instrument to determine the time for round trip messages. Additionally, Hjalmtysson only suggests “trusting” the connection based on an acknowledgement message. There is no suggestion in either Hjalmtysson or VanDervort, or taken together, of measuring *characteristics of the connection* upon initiating *a round trip connection through a computer network*. Applicant’s invention measures the verification data stream to determine the connection is proper each time a connection is initialized.

Accordingly, Applicant respectfully urges that Hjalmtysson and VanDervort, taken alone or in combination are legally precluded from anticipating the presently claimed invention under 35 U.S.C. § 103 because of the absence from Hjalmtysson and VanDervort of Applicant’s claimed novel *the call setup message to initiate a round trip connection through a computer network, sending, at any time, a verification data stream to the destination computer in response to receiving the acknowledgement mes-*

sage, and checking a characteristics of the connection in response to the verification data stream and the received response data stream.

At paragraph 4 of the Office Action, claims 4, 11, 16, and 21 were rejected under 35 U.S.C. § 103 as being unpatentable in view of Hjalmtysson, over VanDervort, and in further view of Kelley et al., US Patent 6,147,998, hereinafter Kelley.

Applicant respectfully notes that claims 4, 11, 16, and 21 are dependent claims that depend from independent claims, which are believed to be in condition for allowance. Accordingly, claims 4, 11, 16, and 21 are believed to be in condition for allowance.

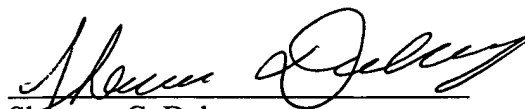
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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